

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

|                    |   |                               |
|--------------------|---|-------------------------------|
| MICHAEL FLORES,    | ) | No. C 03-1340 MMC (PR)        |
|                    | ) |                               |
| Petitioner,        | ) | <b>ORDER DENYING REQUEST</b>  |
|                    | ) | <b>FOR A CERTIFICATE OF</b>   |
| v.                 | ) | <b>APPEALABILITY; DENYING</b> |
|                    | ) | <b>APPOINTMENT OF COUNSEL</b> |
| KEN CLARK, Warden, | ) |                               |
|                    | ) |                               |
| Respondent.        | ) | (Docket Nos. 27 & 28)         |
| _____              | ) |                               |

On December 19, 2002, petitioner Michael Flores, a California prisoner proceeding pro se, filed the above-titled petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 8, 2007, judgment was entered against petitioner after the petition was denied on its merits. On February 23, 2007, petitioner filed a notice of appeal and a request for a certificate of appealability pursuant to 28 U.S.C. § 2253(c) and Federal Rule of Appellate Procedure 22(b). Petitioner has not shown “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 120 S.Ct. 1595, 1604 (2000). Accordingly, the request for a certificate of appealability is DENIED.

On February 23, 2007, petitioner also filed a request for appointment of counsel. As judgment has already been entered in this matter, there is no need for appointment of counsel herein. If petitioner wishes to have counsel appointed for the purpose of appeal, he may seek

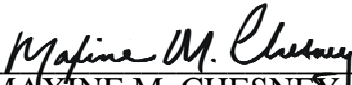
1 such appointment in the court of appeals. Accordingly, the motion for appointment of  
2 counsel is DENIED.

3 The Clerk shall forward this order, along with the case file, to the United States Court  
4 of Appeals for the Ninth Circuit, from which petitioner also may seek a certificate of  
5 appealability. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

6 This order terminates Docket Nos. 27 & 28.

7 IT IS SO ORDERED.

8 DATED: March 2, 2007

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10 MAXINE M. CHESNEY  
11 United States District Judge  
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